

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KIRSCH RESEARCH AND
DEVELOPMENT, LLC,

Plaintiff,

vs.

DUPONT DE NEMOURS, INC.; E.I. DU PONT
DE NEMOURS AND COMPANY,

Defendants.

Civil Action No. 5:20-cv-00057-RWS

LEAD CASE

NOTICE OF DEFENDANTS' PROPOSED TECHNICAL ADVISOR

Pursuant to Dkt. No. 189, Defendants DuPont de Nemours, Inc., E.I. du Pont de Nemours and Company, FT Synthetics, Inc. and Atlas Roofing Corporation (collectively, "Defendants") notify the Court of their following proposal:

The patents in suit do not cover inventions geared toward mechanical or electrical engineering. Instead, given the subject matter of the patents-in-suit, and the terms to be construed, including, for example, "a polypropylene coating..." [Dkt. No. 209], a technical advisor with a chemical engineering background is best suited to assist the Court. As such, Defendants propose Mr. Shane Nelson, who has a chemical engineering degree, as a technical advisor. Mr. Nelson's contact information is listed below, and his CV is attached to this Notice as Ex. A.

Mr. Shane Nelson
Park, Vaughan and Fleming LLP
5847 San Felipe, Suite 1700
Houston, Texas 77057
Telephone: (713) 821-1541
Email: shane@parklegal.com

Mr. Nelson has served as a technical advisor in this district and before this Court. He has also confirmed that he has no conflicts with the parties and is available for the May 5, 2021 *Markman* hearing¹. [Dkt. No. 187].

In the event the Court does not select a chemical engineer as the technical advisor for this case, Defendants, in the alternative, propose Mr. David Keyzer as a technical advisor. Mr. Keyzer has confirmed that he has no conflicts with the parties and is available for the May 5, 2021 *Markman* hearing². [Dkt. No. 187]. Mr. Keyzer's contact information is listed below and his CV is attached to this Notice as Ex. B.

Mr. David Keyzer
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5170 Golden Foothill Parkway
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Telephone: (916) 243-5259
Email: david@keyzerlaw.com

¹ The Court's First Amended Docket Control Order [Dkt. No. 187] lists the week of April 19, 2021 as alternative dates for the *Markman* hearing. Mr. Nelson is available April 19-21 for the alternative *Markman* hearing dates.

² Mr. Keyzer is available April 19-21 for the alternative *Markman* hearing dates.

Respectfully submitted,

/s/ Jennifer H. Doan

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**DEFENDANTS DUPONT DE NEMOURS,
INC.; E.I. DU PONT DE NEMOURS AND
COMPANY; FT SYNTHETICS, INC.**

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**DEFENDANT ATLAS ROOFING
CORPORATION**

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 19th day of March, 2021.

/s/ Jennifer H. Doan

Jennifer H. Doan

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), the undersigned certifies that counsel for Defendants met and conferred with counsel for Plaintiff on multiple dates, including March 17, 2021, regarding the proposed technical advisors. The parties were unable to reach agreement.

/s/ Jennifer H. Doan

Jennifer H. Doan